

REMARKS

We are in receipt of the Office Action dated March 22, 2005, and the above amendments and following remarks are made in light thereof.

Claims 1-21 are pending in the application. Pursuant to the Office Action, claim 19 is allowed and claims 7-9 are indicated to be directed to allowable subject matter. Claims 1-6, 10-18, 20 and 21 are rejected.

Claim 11 is rejected under 35 U.S.C. §112, second paragraph, for indefiniteness for there being an insufficient antecedent basis for "said spring". In response, applicant has amended claim 11 to change the dependency from claim 6 to claim 10, thus providing the proper antecedent basis for the recited limitation.

Claims 1, 4 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 4,648,577 to Weber. In addition, claims 1-3 and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by DE 42 13 043 to Schneider et al. Claims 2, 3, 5, 6, 11-17 are also rejected under 35 U.S.C. §103(a) as being unpatentable over either Weber or Schneider et al. alone, or in combination.

Claim 1 is the only independent claim rejected in the present Office Action. As noted above, it is rejected for anticipation over either Weber or Schneider et al. Anticipation

requires that each of the limitations recited in the claim be found in the reference relied upon for the rejection.

For reasons set forth below, applicant respectfully submits that claim 1 is not anticipated by either Weber or Schneider et al.

Weber is directed to a viscous damper having a conical plunger tube. As described in Weber, the plunger tube is designed as a downwardly open, hollow and continuously conical frustum, Column 2, lines 5-7. Optimum damping resistances are achieved for this design when the angle of the conical section is in the range from 50° to 70°, and is preferably 60°. Column 2, lines 17-19. In contrast, claim 1 requires the plunger to have "opposed parallel walls as viewed in vertical cross-section." The frusto-conical walls of Weber are not parallel, but instead diverge. Accordingly, this limitation of claim 1 is not met by Weber, and claim 1 is not anticipated by Weber.

Schneider et al. discloses a hydropneumatic damper spring element that includes an elastic pneumatic cushion spring 15 fastened to the top plate 16 and the side wall of the reservoir 21 a hollow plunger 27 is provided that has a single central opening 29 therein. (A translation of the specification of Schneider et al., obtained by applicant, accompanies this Amendment.) In contrast, claim 1 requires a transversely disposed plate member associated with the bottom of the plunger

that has "a plurality of apertures." As Schneider et al. has only a single aperture, it cannot anticipate claim 1.

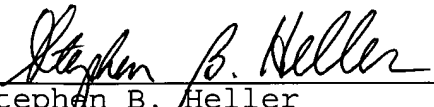
Each of the remaining claims 2-6, 10-18, 20 and 21 is dependent either directly or indirectly from claim 1. As applicant believes that the rejection of claim 1 for anticipation has been successfully overcome, it is submitted that each of these dependent claims is also allowable for at least the same reasons that claim 1 is allowable.

In addition, by way of the present amendment a new claim 22 is being added. Claim 22 is essentially a combination of claims 1, 4 and 7 and should thus be allowable as the examiner has indicated that claim 7 is directed to allowable subject matter.

In view of the foregoing, it is respectfully submitted that all of the claims pending in the application are allowable, and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,

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